

### **REMARKS**

Responsive to a Final Office Action mailed September 29, 2006 where in pending claims 1-7, 10-12 and 15 were rejected as anticipated by Faltesek et al. and claims 8, 9, 16-21, 25, 27 and 28 were rejected as obvious and unpatentable over Faltesek et al. in view of newly cited Yuchi. Those rejections should be withdrawn and the application allowed as explained below.

Faltesek et al. published US application 2005/0105743 A1 has a filing date of November 18, 2003 and publication date of May 19, 2005. The present application has a filing date of November 21, 2003, three days after Faltesek et al., and months before Faltesek et al. was published. Faltesek et al. is available, only as prior art pursuant to 35 USC § 102(e). Pursuant to § 103(c)(1) of the US Patent Statute prior art which is commonly owned and which qualifies only as prior art pursuant to § 102(e), (f) or (g) is not available as prior art in support of an obviousness rejection. Claims 1-7, 10-12 and 15 have not been anticipated pursuant to 35 USC § 102(e) as alleged by the Examiner in that Faltesek et al. was clearly published on May 19, 2005, long after the filing date of May 21, 2003 of the present application. Additionally, Faltesek et al. is not available as prior art relative to an obviousness rejection of claims 8, 9, 16-21, 25, 27 and 28 in that Faltesek et al. and the pending application were and continue to be commonly owned. Applicants make the following statement:

The present application numbered 10/719,116 and Faltesek et al.,  
Published Application 2005/0105743 A1 were at the time the invention of  
the present application was made commonly owned by the Assignee  
hereof, Honeywell International, Inc.

Further, attached hereto is a printout (2 sheets) from the Patent Office database showing common Assignee of the Faltesek et al. application and the present application.

Appl. No. 10/719,116

Response in

Reply to a Final Office Action mailed Sep. 29, 2006

In view of the above, it is requested that the rejections be withdrawn and the application be allowed.

Respectfully submitted,

Dated: December 11, 2006

By: 

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## Assignments on the Web &gt; Patent Query

## Patent Assignment Abstract of Title

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## Total Assignments: 1

**Patent #:** NONE      **Issue Dt:**      **Application #:** 10719116      **Filing Dt:** 11/21/2003  
**Publication #:** US20050110632      **Pub Dt:** 05/26/2005  
**Inventors:** Andrew G. Berezowski, Anthony E. Faltesek, Lee Tice  
**Title:** Multi-sensor fire detectors with audio sensors and systems thereof

## Assignment: 1

**Reel/Frame:** 014739/0899      **Recorded:** 11/21/2003      **Pages:** 5

**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).

**Assignors:** BEREZOWSKI, ANDREW G.      **Exec Dt:** 11/20/2003  
FALTESEK, ANTHONY E.      **Exec Dt:** 11/10/2003  
TICE, LEE      **Exec Dt:** 10/24/2003

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**Total Assignments: 1****Patent #:** NONE**Issue Dt:****Application #:** 10716157**Filing Dt:** 11/18/2003**Publication #:** US20050105743**Pub Dt:** 05/19/2005**Inventors:** Anthony E. Faltesek, Patrick S. Gonia**Title:** Automatic audio systems for fire detection and diagnosis, and crew and person locating during fires**Assignment: 1****Reel/Frame:** 015236/0475**Recorded:** 04/19/2004**Pages:** 3**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** FALTESEK, ANTHONY E.**Exec Dt:** 03/10/2004

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**Exec Dt:** 03/10/2004**Assignee:** HONEYWELL INTERNATIONAL, INC.

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